

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 41179 of 2019

Arising Out of PS. Case No.-154 Year-2019 Thana- GARDANIBAG District- Patna

Satyendra Prasad @ Kashi Son of Rambachan Saw Resident of Muhalla-
Dhirachak Anishabad, P.S-Gardanibag, District-Patna ... Petitioner
Versus

The State Of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Vidya Sagar, Suresh Mukhia, Advocates
For the Opposite Party : Mr.Bharat Lal, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-11-2019 Heard learned counsel for the parties and perused the case diary.

Petitioner apprehends his arrest in a case registered for the offence punishable under section 420 of the Indian Penal Code read with section 27B(ii)/28/28A of the Drugs and Cosmetics Act, 1940.

It is alleged that the petitioner was engaged in manufacturing of prohibited medicine like Oxitocin injection as the consignment of the said medicine was recovered from his house.

Learned counsel for the petitioner submits that the recovery is from the joint house of the petitioner, and not from his conscious possession. He submits that the offence under section 420 of the Indian Penal Code is not made out against the petitioner as there is no allegation against him that he cheated anyone. Learned counsel further submits that the petitioner has got no criminal antecedent and the recovery has been planted by someone to implicate him.

In view of the facts and circumstances of the case, in the event of arrest/surrender within six weeks from today, let the



petitioner, mentioned above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-14, Patna in Gardanibagh Police Station Case No. 154 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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